

6056

DECISION



*Next time
Transfer*

**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-190685

DATE: April 17, 1978

**MATTER OF: Valley Moving & Storage Co.
Corpus Christi Transfer Co., Inc./Mayflower**

DIGEST:

Protest by bidders filed after bid opening against alleged solicitation impropriety which was apparent prior to bid opening is untimely and not for consideration under section 20.2(b)(1) of GAO's Bid Protest Procedures.

Invitation for Bid (IFB) No. N00612-77-B-0061 was issued by the Department of the Navy, Naval Supply Center, Charleston, South Carolina, for the procurement of packing, crating, and drayage services in the area of the Naval Air Station, Corpus Christi, Texas.

By mailgram, received November 15, 1977, and by letter, received November 28, 1977, Valley Moving & Storage Co. (Valley), and Corpus Christi Transfer Co., Inc./Mayflower (Corpus Christi), respectively, protest as being unduly restrictive a Special Standards Of Responsibility clause in the IFB which, among other things, requires that a bidder hold intrastate operating authority in his own name.

The alleged restrictive nature of the solicitation was not objected to at any time prior to bid opening on October 21, 1977. Under our Bid Protest Procedures, 4 C.F.R. 20.2(b) (1) (1977), a protest based on an alleged impropriety in a solicitation which is apparent prior to bid opening must be received prior to bid opening in order to be considered by our Office. Here the protests were received well after the bid opening date. The protests therefore were untimely filed. Microsurance, Inc., B-188830, April 28, 1977, 77-1 CPD 292; R. A. Miller Industries, Inc., B-187183, November 16, 1976, 76-2 CPD 420.

Corpus Christi contends it was not aware at the time of bid submission of the need for intrastate operating authority since civilian shipments of the same nature may be transported without such authority. However, the IFB contains this clause:

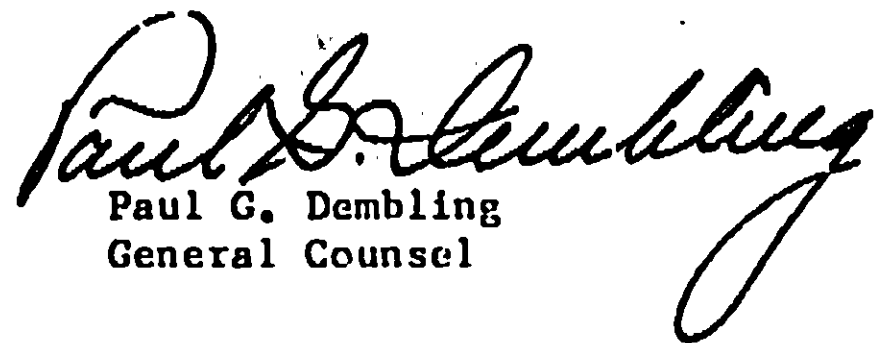
B-190685

"SPECIAL STANDARDS OF RESPONSIBILITY

- A. IN ORDER FOR A BIDDER TO BE DETERMINED RESPONSIBLE IN REGARD TO THIS SOLICITATION, HE MUST HOLD, IN HIS OWN NAME, INTERSTATE COMMERCE COMMISSION (I.C.C.) OPERATING AUTHORITY, STATE OPERATING AUTHORITY, AND ANY REQUIRED LOCAL OPERATING AUTHORITY.
- B. THE BIDDER CERTIFIES THAT HE HOLDS, IN HIS OWN NAME, THE FOLLOWING AUTHORITIES:
- I. C. C. AUTHORITY, NUMBER _____
- _____ AUTHORITY, NUMBER _____
(STATE)
- _____ AUTHORITY, NUMBER _____
(LOCAL) "

The language contained in the IFB indicates that the alleged impropriety should have been apparent to Corpus Christi prior to bid opening.

Based on the foregoing, the protests were untimely and not for consideration on the merits.


Paul G. Dembling
General Counsel